

15. LUNGS AND CHEST

Becker v. Newalls Insulation Co. Ltd.

[1988] 4 C.L. 97

- CN15-01 English decision: Man (aged 54) with asbestosis and asbestos pleural disease.
General damages for pain, suffering and loss of amenities: £32,000.

Ambrose v. Ilford

[1988] 4 C.L. 97

- CN15-02 English decision: Man (aged 56) with malignant mesothelioma.
General damages for pain, suffering and loss of amenities: £28,000.

Jefferson v. Cape Insulation

[1982] C.L.Y. 835

- CN15-03 English decision: Mesothelioma.
Pain, suffering and loss of amenities: £18,000.

Robbs v. B.R.

[1985] C.L.Y. 989

- CN15-04 English decision: Man (aged 59) with asbestosis. Life expectancy two months.
Solatium: £17,000 (bearing in mind short life expectancy).

O'Neill v. Prestcold Ltd.

1982 S.L.T. 248 (Lord Murray)

- CN15-05 Pursuer, aged 63, was exposed to inhaling cadmium fumes in the course of his employment which lasted from 1953 to 1977. He became breathless and suffered pain in his back, and renal colic associated with stones in his kidneys. He had difficulty walking, sleeping and dressing himself. Diagnosis of chronic emphysema and renal glycosuria.
Solatium: £16,500 (this included an element to reflect his loss of expectation of life).

Bateman v. Newalls Insulation Co. Ltd.

1987 S.C.L.R. 445 (Sheriff G.H. Gordon)

- CN15-06 Man (aged 62) who suffered from asbestosis and whose resultant disability had been assessed by the Department of Health and Social Security at 10 per cent.
Solatium: £14,000.

Reilly v. Robert Kellie & Son Ltd.

1990 S.L.T. 78 (Lord Milligan)

Man contracted chronic asthma as a result of exposure to isocyanate fumes. 20 per cent. loss of faculty due to loss of lung function. Had had to give up skiing and shooting, although some prospect of resuming with the aid of medication. Able to lead a reasonably normal daily life provided he avoided contact with known irritants. Condition unlikely to change.

Solatium: £12,000.

Lee v. Ardrossan Harbour Co. Ltd.

1991 G.W.D. 27-1635 (Lord Prosser)

Fractured ribs leading to chest infection and pneumonia. Serious arm injury.

Solatium: £12,000.

(See para. CN7-01A.)

Douglas v. B.R.B.

1984 S.L.T. 344 (Lord Wylie)

Man (aged 60) suffered crushing injuries to chest (ribs, clavicle, scapula). Required ventilation and intensive care. Difficulties breathing. Possibility of some brain damage. Permanently unfit for work.

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Solatium: £10,000.
(See also para. CN3-17.)

Laurie v. Douglas Reyburn & Co. Ltd.

1990 S.L.T. 513 (Lord Morison)

Lady (aged 54 at proof) exposed to wool dust for many years. Developed CN15-07A
asthmatic condition. Was also severely disabled by chronic bronchitis and
emphysema. Left work at age 49 on medical advice.

Solatium: £10,000 (one-half to past: court held that her chronic bronchi-
tis and emphysema were mainly attributable to cigarette smoking and not
to her employment: had her disablement been entirely attributable to her
employment, solatium of £20,000 would have been awarded.)

Nelson v. N.C.B.

1986 S.L.T. 2 (Lord Stewart)

Coronary spasm, chest pain and breathlessness.

CN15-08

Solatium: £10,000.
(See para. CN26-01.)

Gallacher v. McDermotts (Scotland) Ltd.

1987 S.L.T. 56 (Lord Davidson)

Crane operator suffered *inter alia* crushing injuries to the chest.

CN15-08A

Solatium: £9,000.
(See para. CN3-21.)

Martin v. Grootcon (UK) Ltd.

1990 S.L.T. 566 (Lord Morton)

Steel erector (then aged 54) fell 4 ft. sustaining bruising injuries to back CN15-08B
and chest.

Solatium: £6,500.
(See para. CN4-08A.)

Howard v. Comex Houlder Diving Ltd.

1987 S.L.T. 344 (Lord Allanbridge)

Diver (aged 25) sustained damage to his lungs.

CN15-09

Solatium: £3,500.

Rutherford v. Chief Constable for Strathclyde Police

1981 S.L.T.(Notes) 119 (Lord Maxwell)

Solatium: £3,000 (assault caused broken ribs and lung infection).
(See para. CN3-35.)

CN15-10

(Release 3; 9-5-91)

Gow v. Chief Constable, Strathclyde Police

1991 G.W.D. 11-662 (Sheriff J.C.M. Jardine)

- CN15-10A Man suffered injuries including three broken ribs when in police custody overnight. Claimed had been thrown to ground and repeatedly kicked by two constables.
Solatium: £1,800.

Meenaghan v. Cubitts (Scotland) Ltd.

November 6, 1975 (Lord Kincaig)

- CN15-11 Trauma leading to lung infection.
Solatium: £1,000.
(See para. CN14-10.)

Sloan v. B.R.

1981 S.L.T. (Notes) 86 (Lord Wylie)

- CN15-12 Railwayman, aged 50, exposed to excessive levels of carbon monoxide and nitrogen oxides in a tunnel. Suffered a respiratory infection and was off work for seven weeks.
Solatium: £300.

ADDITIONAL CASES